

Remarks

Claims 1-31 are pending in the application. Claims 23-31 have been cancelled without prejudice. Applicants reserve the right to pursue the subject matter of the cancelled claims in a continuation application. Applicants respectfully request reconsideration of the rejections based on the amendment of the claims and the following arguments.

§112 Rejections

I. Claims 23-31 were rejected under 35 USC §112, 1st paragraph as failing to comply with the enabling requirement.

Although Applicants respectfully disagree with Examiner's assertion, Applicants have cancelled Claims 23-31 in order to expedite the application to allowance. Consequently, the cancellation of Claims 23-31 renders this rejection moot. Applicants reserve the right to pursue the cancelled method claims in a continuation application.

II. Claims 1, 22, 23, and 27-31 were rejected under 35 USC 112, 2nd paragraph as being indefinite.

Applicant would like to thank the Examiner for pointing out the error in Claim 1 (proviso a), page 40, line 26) with respect to the reference to substituent R4. Applicants have corrected the inadvertent error and changed the reference from "R4" to "R3".

As suggested by the Examiner, Applicants have deleted the term "any of" from Claim 22.

Based on the amendments of Claims 1 and 22, as well as the cancellation of Claims 23, and 27-31, Applicants respectfully submit that the rejections based on 112, 2nd paragraph have been rendered moot.

35 USC §101 Rejection

I. Claims 27-29 were rejected under 35 USC §101 as an improper claim construction.

Applicants have cancelled Claims 27-29 thus rendering this rejection moot.

35 USC §102 Rejection

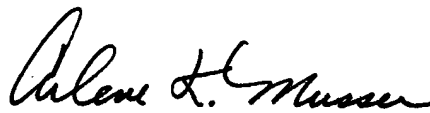
I. Claims 1, 2, 6, 13-15 and 22-31 were rejected under 35 USC §102(b) as being anticipated by May, et al., JOC, 19(4), 618-622 (1954).

Examiner asserts that the compounds of Formula (I) are anticipated by the compounds of Formula Ia and IIa in May when Q, X, R⁴, R^{4a}, R⁹ and R^{9a} are all hydrogen. Applicants respectfully submit that the compounds of Formula Ia and IIa disclosed by May relate only to those compounds where R^a is phenethyl or methyl and R⁴, R^{4a}, R⁹ and R^{9a} are all hydrogen. The proviso's d) and e) added to Claim 1 effectively remove these compounds from Claim 1 and all claims dependent therefrom. Consequently, Applicants respectfully submit that the amendment of Claim 1 renders this rejection moot.

In conclusion, Applicants respectfully submit that the rejections raised in the office action have been addressed and request a timely notice of allowance of the pending Claims.

Respectfully Submitted:

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